

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/18/2020
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UNITED STATES OF AMERICA,	:	
	:	
-against-	:	18-CR-005 (VEC)
	:	
MARK IRIZARRY,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 14, 2020, Defendant moved, *pro se*, for compassionate release pursuant to 18 U.S.C. § 3582(c) by letter dated May 4, 2020 (Dkt. 43);

WHEREAS this Court has found that it may not waive the statute's exhaustion requirement, *see* Order at 1, Dkt. 153, 18-CR-840, *United States v. Piskacek* (Apr. 10, 2020); and

WHEREAS Defendant's motion represents that he filed his request for a compassionate release motion with the Warden at FCI Petersburg on May 4, 2020;

IT IS HEREBY ORDERED that the Court will defer ruling on the merits of Defendant's motion until 30 days have lapsed from the Warden's receipt of the motion, or until Defendant receives a response from the Warden, whichever is sooner. Defendant must promptly notify the Court if he receives a response from the Warden.

IT IS FURTHER ORDERED that the Government must respond to Defendant's motion no later than **May 26, 2020**. Defendant may reply by letter dated no later than two weeks after service upon him of the Government's response.

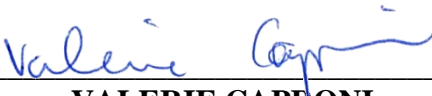
IT IS FURTHER ORDERED that the Government must produce with its response Defendant's Bureau of Prisons health record and disciplinary record. The Government must also provide the Court with a report on the number of inmates then detained at FCI Petersburg who

have tested positive for COVID-19 and the number of inmates then detained at FCI Petersburg who have been tested for COVID-19.

This Order has been mailed to Defendant by chambers staff.

SO ORDERED.

**Date: May 18, 2020
New York, NY**



VALERIE CAPRONI
United States District Judge